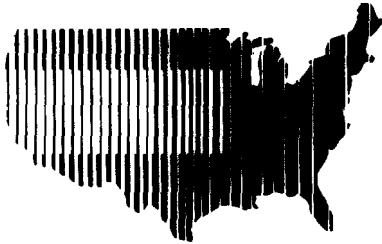


DOCKET # 97-007



LAND MOBILE COMMUNICATIONS COUNCIL

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August 21, 1997

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 200
Washington, D.C. 20554

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IAFWA

IMSA

ITLA

MRFAC

NASF

PCIA

TIA

UTC

Re: **Ex Parte Notification**
PR Docket No. 92-235

Dear Mr. Caton:

The Land Mobile Communications Council, pursuant to Section 1.2106(b)(1) of the Commission's Rules, hereby notifies the Commission that on August 21, 1997, the attached letter and "Draft Public Notice" were submitted to Daniel B. Phythyon, Acting Chief of the Wireless Telecommunications Bureau.

These documents represent the LMCC's proposal for the implementation of the Commission's "refarming" rule making proceeding adopted in the *Second Report and Order*, PR Docket 92-235, released March 12, 1997.

If you have any questions regarding these matters, do not hesitate to contact me.

Respectfully submitted,

Mark E. Crosby
Secretary/Treasurer

MEC:bjl
Enclosures

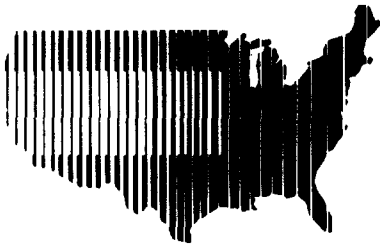
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August 21, 1997

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Daniel B. Phythyon, Esq.
Acting Chief, Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Re: LMCC Low Power Proposal

Dear Mr. Phythyon:

On June 4, 1997, the LMCC filed with the Commission a Low Power Pool Consensus Plan that designates channels in the 450-470 MHz band for primary use by incumbents, as well as by new low power licensees. This plan will allow incumbent licensees on the low power "offset" channels, who currently operate on a secondary basis, to migrate to channels specifically designated for low power use, where they may operate on a primary basis.

Enclosed is a time line for the acceptance of applications in accordance with the LMCC plan and a draft *Public Notice* designed to implement this time line. The *Public Notice* announces October 17, 1997, as the date upon which the FCC will begin accepting applications for these low power channels, as well as applications for high power operations on the 470-512 MHz offsets, and October 1, 1997, as the date for submitting frequency coordination requests to the coordinators. The *Public Notice* further announces the Commission's intention to lift the freeze on high power applications for offset frequencies in the 450-470 MHz band on May 17, 1998. In accordance with the *Second Report and Order* in the "refarming" docket, this seven-month extension of the freeze will allow low power incumbents time to migrate to the newly designated channels, without having to worry about potential interference from high power licensees.

... / ...

D. B. Phythyon, Esq.
August 21, 1997
Page 2 of 2

The LMCC has been working continuously to ensure that there is industry consensus on the transition to the "post-refarming" environment. The acceptance of low power applications by the FCC on October 17, 1997, is the first step in this process. We hope you find the enclosed materials helpful and will remain available for any other assistance the Commission may desire in these endeavors.

Regards,



Larry A. Miller
President



LM:bjl
Enclosures

cc (w/encs): David Horowitz
Herbert W. Zeiler
Ira Keltz

DRAFT PUBLIC NOTICE
Submitted by the LMCC

**COMMISSION ANNOUNCES TIME LINE
FOR ACCEPTING PRIVATE LAND MOBILE RADIO SERVICE APPLICATIONS
IN THE REFORMED 450-512 MHZ BANDS**

On June 15, 1995, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making*, PR Docket No. 92-235, FCC 95-255, to promote efficient use of the private land mobile radio spectrum below 800 MHz through the formulation of a narrowband channel plan. Under this narrowband plan, channels in the 450-470 MHz band that are removed from regularly assignable channels ("offset channels") and reserved for low power operations may be assigned for high power operations. The Commission, however, recognized the continuing need for low power channels and provided certified frequency advisory committees with the authority to designate specific channels for low power use.¹

On March 12, 1997, the Commission adopted a *Second Report and Order*, PR Docket No. 92-235, FCC 97-61, that consolidated the twenty PLMR service pools into two general pools — one for Public Safety and one for Industrial/Business. The Commission also gave its certified frequency advisory committees the opportunity to

¹ See 47 C.F.R. § 90.267 (The Commission further protected incumbent low power licensees by implementing a freeze on applications for high power licensees in the offset channels until the frequency advisory committees designated channels in the 450-470 MHz band for low power use. (See Public Notice, Freeze on the Filing of High Power Applications for 12.5 kHz Offset Channels in the 450-470 MHz Band (PR Docket 92-235, FCC 95-255), DA 95-1771 (Released Aug. 11, 1995))).

develop an industry consensus plan for low power operations in their respective pools.² Once accepted and approved by in-pool coordinators, a mutually agreed upon coordinator plan for low power channels would be fully supported by the Commission.³

On June 4, 1997, the Land Mobile Communications Council ("LMCC"), the representative of all the frequency coordinators in the two pools, submitted its plan for low power and full power operations on the channels previously known as the 450-470 MHz offsets. The LMCC proposal designates 104 former offset channels and channels 6.25 kHz directly above and below these channels for low power use, 79 of the 104 channels would be available for primary use. By this Public Notice, the Commission hereby accepts these frequency designations (attached at Appendix A). However, the LMCC proposal includes various technical, geographic, and use designations that are not currently incorporated in the Commission's rules. The adoption of the technical, geographic, and use designations will be the subject of a *Further Notice of Proposed Rule Making*. In the interim, applications for these channels will continue to be accepted pursuant to the restrictions of Section 90.267 of the Commission's rules.⁴ Upon conclusion of the rule making proceeding for the adoption of the technical, geographic, and use designations for the low power channels, the Commission anticipates accepting

² In the Matter of Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, PR Docket No. 92-235, *Second Report and Order* (rel. March 12, 1997), ¶ 63 (*Second Report and Order*).

³ *Id* n. 168.

⁴ See 47 C.F.R. § 90.267.

applications for the full range of the LMCC's recommendations for low power operations in the newly designated low power channels.

Low power incumbents are encouraged to migrate to the low power channels newly designated for primary use. Low power incumbents who are already using the newly designated primary channels on a secondary basis are encouraged to modify licenses to obtain primary status. To obtain primary status, incumbent low power licensees already operating on one of the newly designated channels must modify their licenses and specify transmitter coordinates to the Commission and to the frequency advisory committees so they can take them into account when making frequency recommendations.⁵ New low power licensees, or licensees changing frequencies to operate on the designated low power channels, will also need to specify transmitter coordinates to obtain primary status.⁶ This migration to the newly designated low power channels will facilitate our spectrum efficiency objectives in these bands.

On October 17, 1997, the Commission will begin accepting applications for low power licenses under the new consolidated pool structure in the 450-470 MHz band. However, to provide processing parity among the newly competitive frequency advisory committees, and to provide a fair licensing process for all applicants, requests for coordination on these channels utilizing the new consolidation rules may not be accepted

⁵ *Second Report and Order*, ¶ 65.

⁶ This does not include licenses on the future uncoordinated channels.

by the frequency advisory committees before October 1, 1997.⁷ Any licenses granted for low power use on channels other than those designated in this Public Notice will be subject to the outcome of the rule making referenced above and may be required to share the channels with high power operations.

Since the publication of the *Second Report and Order*, the in-pool coordinators have adopted the necessary protocols to share timely and accurate coordination information, and the Telecommunications Industry Association has officially submitted technical recommendations for radio frequency selection procedures. Consequently, on October 17, 1997, the Commission will also begin accepting applications for high power operations on the new 12.5 kHz channels in the 470-512 MHz band.⁸ Requests for frequency coordination on these channels may be filed with certified frequency advisory committees on October 1, 1997, under the rules applicable to the consolidated pool structure.

As decided in the *Second Report and Order*, the freeze on high power operations on the former offset channels not designated as low power will be extended until May 17, 1998. This will give incumbent low power licensees a period of seven months to

⁷ See Public Notice, DA 86-173, rel. Nov. 4, 1986 (The Commission set a date certain for the filing of applications with appropriate frequency advisory committees as part of the application procedure for newly licensed spectrum in the 800-900 MHz bands).

⁸ We note that while these applications will be subject to the new frequency loading criteria in Section 90.313(a), the time period for obtaining exclusive use through loading in Section 90.313(c) is unchanged.

migrate to the newly designated channels before high power applications are accepted.
Official announcement of the lifting of the freeze for these high power licenses will be made by Public Notice.

By the Acting Chief, Wireless Telecommunications Bureau.

Wireless telecommunications Bureau Contact:

Appendix A

Channels Designated for Low Power Use ¹

25 Channel, Uncoordinated, Low Power Pool²

461/466.0375	461/466.0625	461/466.0875	461/466.1125
461/466.1375	461/466.1625	461/466.1875	461/466.2125
461/466.2375	461/466.2625	461/466.2875	461/466.3125
461/466.3375	461/466.3625	462/467.7625	462/467.7875
462/467.8125	462/467.8375	462/467.8625	462/467.8875
462/467.9125	464/469.4875	464/469.5125	464/469.5375
464/469.5625			

14 Channel, Primary, Low Power Public Safety Pool

453/458.0375	453/458.0625	453/458.0875	453/458.1125
453/458.1375	453/458.8875	453/458.9125	453/458.9375
453/458.9625	453/458.9875	460/465.4875	460/465.5125
460/465.5375	460/465.5625		

65 Channel, Primary, Low Power Industrial/Business Pool

451/456.1875	451/456.2375	451/456.2875	451/456.3125
451/456.3375	451/456.3625	451/456.3875	451/456.4125
451/456.4375	451/456.4625	451/456.4875	451/456.5125
451/456.5375	451/456.5625	451/456.5875	451/456.6125
451/456.6375	451/456.6625	451/456.6875	451/456.7125
451/456.7375	451/456.7625	452/457.0375	452/457.0625
452/457.0875	452/457.1125	452/457.1375	452/457.1625
452/457.1875	452/457.2875	452/457.3125	452/457.4125
452/457.4875	452/457.5125	452/457.5375	452/457.6375
452/457.6625	452/457.6875	452/457.7125	452/457.7625
452/457.7875	452/457.8125	452/457.8375	452/457.8625
452/457.8875	452/457.9875	462/467.1875	462/467.4625
462/467.4875	462/467.5125	462/467.2125	462/467.2375
462/467.2625	462/467.2875	462/467.3125	462/467.3375
462/467.3625	462/467.3875	462/467.4125	462/467.4375
460/465.9125*	460/465.9375*	460/465.9625*	460/465.9875*
461/466.0125*			

* Set aside for Central Station Alarm

¹ Where available, the channels 6.25 kHz directly above and below these channels are also designated for low power use.

² Applications filed prior to the resolution of the rule making proceeding for the adoption of the technical, geographic, and use designations still are subject to existing coordination requirements.